

DOCKET NO. 1733.1009-023  
(ACT95-01A3)**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

In re Application of: Paul F. Herbert and Michael S. Healy

Application No.: 10/006,991

Filed: December 6, 2001

Confirmation No.: 3417

For: PRODUCTION SCALE METHOD OF FORMING MICROPARTICLES

The owner, Alkermes Controlled Therapeutics, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 6,358,443, 6,153,129 and 5,922,253. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is empowered to act on behalf of the owner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8 July 2003  
Date

Claire M. Vasios  
Signature

Claire M. Vasios  
Typed or printed name

V.P., Intellectual Property  
Title

Alkermes Controlled Therapeutics, Inc.  
Name of Corporation

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Docket No. 1733.1009-023  
(ACT95-01A3)STATEMENT UNDER 37 C.F.R. § 3.73(b)

Applicants: Paul F. Herbert and Michael S. Healy  
Application No.: 10/006,991 Filed: December 6, 2001  
For: PRODUCTION SCALE METHOD OF FORMING MICROPARTICLES

Alkermes Controlled Therapeutics, Inc., a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is

- A.  the assignee of the entire right, title and interest in the patent application identified above.
- B.  an assignee together with [ ] of the entire right, title and interest in the patent application identified above. A separate Certificate under 37 CFR § 3.73(b) is attached.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A.  An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 7567, Frame 0499-502, or a copy thereof is attached.

OR

- B.  A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: 8 July 2003

Name: Claire M. Varios

Title: Vice President, Intellectual Property

Signature: Claire M. Varios